

## ARTICLE 33-36

### EMERGENCY MEDICAL SERVICES PERSONNEL

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#### CHAPTER 33-36-01 EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING, TESTING, CERTIFICATION, AND LICENSURE

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**33-36-01-01. Definitions.** Words defined in North Dakota Century Code chapter 23-27 have the same meaning in this chapter.

1. "Cardiopulmonary resuscitation", initial and refresher, means the American heart association health care provider standards or its equivalent which includes the following skills: adult one-person and two-person cardiopulmonary resuscitation, adult obstructed airway, child one-person and two-person cardiopulmonary resuscitation, child obstructed airway, infant cardiopulmonary resuscitation, infant obstructed airway, and automated external defibrillator.
2. "Certification scope enhancement programs" means those certification programs which add additional skills to or refresh existing skills obtained from the primary certification programs.
3. "Department" means the state department of health.

4. "Equivalent" means training of equal or greater value which accomplishes the same results as determined by the department.
5. "Field internship preceptor" means a qualified person designated by an emergency medical services instructor to supervise a student during field internship training.
6. "National registry" means the national registry of emergency medical technicians located in Columbus, Ohio.
7. "Prehospital emergency medical services personnel" are those persons certified or licensed under the programs defined in this chapter.
8. "Primary certification programs" means those certification programs which integrate a broad base of skills necessary to perform within a level of the emergency medical services system as determined by the department.

**History:** Effective April 1, 1992; amended effective August 1, 2003; January 1, 2006; January 1, 2008.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3

**33-36-01-02. Emergency medical services training courses.** The department shall establish training, testing, and certification requirements for the following emergency medical services courses:

1. Primary certification courses:
  - a. First responder;
  - b. Emergency medical technician;
  - c. Emergency medical technician-intermediate/85;
  - d. Emergency medical technician-intermediate/99;
  - e. Advanced first-aid ambulance attendant;
  - f. Emergency vehicle operations;
  - g. Emergency medical dispatch; and
  - h. Automobile extrication.
2. Certification scope enhancement courses:
  - a. Manual defibrillation;

- b. Intravenous maintenance;
  - c. Automobile extrication instructor;
  - d. Emergency medical services instructor;
  - e. Epinephrine administration;
  - f. Dextrose administration;
  - g. Bronchodilator/nebulizer administration;
  - h. Limited advanced airway insertion; and
  - i. Emergency vehicle operations instructor.
3. Certification refresher courses:
- a. First responder-refresher;
  - b. Emergency medical technician-basic refresher;
  - c. Emergency medical technician-intermediate/85 refresher;
  - d. Emergency medical technician-intermediate/99 refresher; and
  - e. Paramedic refresher.

**History:** Effective April 1, 1992; amended effective October 1, 1992; August 1, 1994; August 1, 2003; August 1, 2004; January 1, 2006; January 1, 2008.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3

**33-36-01-03. Training, testing, certification, and licensure standards for primary certification courses.** The department shall authorize the conduct of courses, the testing of students, and the certification or licensure of personnel when application has been made on forms requested from and provided by the department prior to conducting the course and in the manner specified by the department contingent on the following requirements:

- 1. First responder:
  - a. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department.
  - b. Textbooks. The department shall approve textbooks.

- c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently certified as a first responder or its equivalent.
- d. A first responder student may practice all of the skills defined in the core scope of practice for first responder while in the classroom and during field internship while under direct supervision of an instructor or field internship preceptor and if registered with the department as a first responder student.
- e. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by the department or the national registry cognitive knowledge examination and pass all stations of a practical examination conducted by the course coordinator. The practical examination must consist of no less than one medical, one cardiopulmonary resuscitation, and one trauma station.
- f. Initial certification. The department shall issue initial certification to persons who meet the physical requirements described in the functional job analysis for first responder as published by the national highway traffic safety administration and have completed an authorized course and passed the testing process, or are certified as a first responder by the national registry. Persons passing the testing process between January first and June thirtieth shall be certified until June thirtieth of the second year, or ninety days past their national registry expiration date if they are nationally registered. Persons passing the testing process between July first and December thirty-first shall be certified until June thirtieth of the third year, or ninety days past their national registry expiration date if they are nationally registered.
- g. Recertification. The department shall recertify for a two-year period expiring on June thirtieth, or ninety days past their national registry expiration date if they are nationally registered, to those persons that meet the physical requirements described in the functional job analysis for first responder as published by the national highway traffic safety administration and who have met one of the following requirements:
  - (1) Completion of a sixteen-hour North Dakota first responder refresher course.
  - (2) Completion of a twenty-four hour emergency medical technician-basic refresher course.

2. Emergency medical technician:

- a. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department.
- b. Textbooks. The department shall approve textbooks.
- c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently licensed as an emergency medical technician or its equivalent.
- d. Course instructors. The primary course instructor must be licensed by the department as an emergency medical services instructor and must be currently licensed as an emergency medical technician or its equivalent. The primary instructor must teach at least fifty percent of the lecture portion of the course. Secondary instructors must be currently licensed as an emergency medical technician or its equivalent.
- e. An emergency medical technician student may practice all of the skills defined in the core scope of practice for emergency medical technician while in the classroom and during field internship while under direct supervision of an instructor or the field internship preceptor and if registered with the department as an emergency medical technician student.
- f. Testing. Students must pass the national registry cognitive knowledge examination and a practical examination specified by the department which meets the national registry's standards or its equivalent in order to be eligible for licensure. The content of the practical examination must be determined by the department, and the department shall establish policies regarding retesting of failed written and practical examinations.
- 9. Emergency medical technician initial licensure. The department shall issue initial licensure as an emergency medical technician to persons that meet the physical requirements described in the functional job analysis for emergency medical technician as published by the national highway traffic safety administration and are over the age of sixteen who have completed an authorized course and passed the testing process or those who have requested reciprocity from another state with equivalent training. Persons passing the testing process between January first and June thirtieth shall be licensed until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first shall be licensed until June thirtieth of the third year.

- h. Relicensure of emergency medical technicians. The department shall relicense for a two-year period expiring June thirtieth those persons that meet the physical requirements described in the functional job analysis for emergency medical technician as published by the national highway traffic safety administration and who have met the following requirements:
  - (1) Completion of a twenty-four hour emergency medical technician-basic refresher course which includes a cardiopulmonary resuscitation health care provider refresher, answering correctly at least seventy percent of the questions on a written examination specified by the department and passing a local practical examination meeting the department's requirements; and
  - (2) Completion of forty-eight hours of continuing education as approved by the department or the national registry; or
  - (3) If currently licensed as an emergency medical technician, successful completion of the practical examination for emergency medical technician as established by the department. The practical examination must be administered by a licensed emergency medical services training institution in accordance with section 33-36-02-10 or by the department.
- 3. Emergency medical technician-intermediate/85:
  - a. Student prerequisite certification. Students must be licensed as an emergency medical technician or its equivalent prior to testing.
  - b. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department.
  - c. Textbooks. The department shall approve textbooks.
  - d. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently licensed as an emergency medical technician-intermediate/85 or its equivalent.
  - e. Course instructors. The primary course instructor must be licensed by the department as an emergency medical services instructor and must be currently licensed as an emergency medical technician intermediate/85 or its equivalent. The primary instructor must teach at least fifty percent of the lecture portion of the course. Secondary instructors must be currently licensed as an emergency medical technician intermediate/85 or its equivalent.

- f. An emergency medical technician-intermediate/85 student may practice all of the skills defined in the core scope of practice for emergency medical technician-intermediate/85 while in the classroom and during field internship while under direct supervision of an instructor or field internship preceptor and if registered with the department as an emergency medical technician-intermediate/85 student.
  - g. Testing. Students must pass the cognitive knowledge and practical examinations as provided by the national registry and approved by the department in order to be eligible for licensure.
  - h. Emergency medical technician-intermediate/85 initial licensure. A person eighteen years of age or older that meets the physical requirements described in the functional job analysis for emergency medical technician as published by the national highway traffic safety administration and who has completed an authorized course and passed the testing process shall obtain certification from the national registry. Persons obtaining national registry certification and in compliance with chapter 50-03-03 will be licensed by the department expiring ninety days after their national registry expiration date.
  - i. Relicensure of emergency medical technician-intermediate/85. Emergency medical technician-intermediate/85 must be recertified by the national registry recertification policies and meet the physical requirements described in the functional job analysis for emergency medical technician as published by the national highway traffic safety administration. Persons recertified by the national registry and in compliance with chapter 50-03-03 will be relicensed by the department for a two-year period expiring ninety days after their national registry expiration date.
4. Emergency medical technician-intermediate/99:
- a. Student prerequisite certification or license. A student must be licensed as an emergency medical technician or its equivalent prior to testing.
  - b. Curriculum. The course curriculum shall be that issued by the United States department of transportation, national highway traffic safety administration, in the addition specified by the department.
  - c. Textbooks. The department shall approve textbooks.
  - d. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently licensed as an emergency medical technician-intermediate/99 or its equivalent.

- e. Course instructors. The primary course instructor must be licensed by the department as an emergency medical services instructor and must be currently licensed as an emergency medical technician intermediate/99 or its equivalent. The primary instructor must teach at least fifty percent of the lecture portion of the course. Secondary instructors must be currently licensed as an emergency medical technician intermediate/99 or its equivalent.
  - f. An emergency medical technician-intermediate/99 student may practice all of the skills defined in the core scope of practice for emergency medical technician-intermediate/99 while in the classroom and during field internship while under direct supervision of an instructor or field internship preceptor and if registered with the department as an emergency medical technician-intermediate/99 student.
  - g. Testing. Students must pass the cognitive knowledge and practical examinations as provided by the national registry and approved by the department in order to be eligible for licensure.
  - h. Emergency medical technician-intermediate/99 initial licensure. A person eighteen years of age or older that meets the physical requirements described in the functional job analysis for emergency medical technician as published by the national highway traffic safety administration and who has completed an authorized course and passed the testing process shall obtain certification from the national registry. Persons obtaining national registry certification and in compliance with chapter 50-03-03 will be licensed by the department expiring ninety days after their national registry expiration date.
  - i. Relicensure of emergency medical technician-intermediate/99. An emergency medical technician-intermediate/99 must be recertified by the national registry recertification policies and meet the physical requirements described in the functional job analysis for emergency medical technician as published by the national highway traffic safety administration. Persons recertified by the national registry and in compliance with chapter 50-03-03 will be relicensed by the department for a two-year period expiring ninety days after their national registry expiration date.
5. Paramedic:
- a. Student prerequisite certification. Students must be certified or licensed as an emergency medical technician or its equivalent prior to testing.



- b. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department.
- c. Textbooks. The department shall approve textbooks.
- d. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently licensed as a paramedic or its equivalent.
- e. Course instructors. The primary course instructor must be licensed by the department as an emergency medical services instructor and must be currently licensed as a paramedic or its equivalent. The primary instructor must teach at least fifty percent of the lecture portion of the course. Secondary instructors must be currently licensed as a paramedic or its equivalent.
- f. A paramedic student may practice all of the skills defined in the core scope of practice for paramedic while in the classroom and during field internship while under direct supervision of an instructor or field internship preceptor and if registered with the department as a paramedic student.
- g. Field internship. Courses must provide field internship experience based on the curriculum requirements for patient contacts with a paramedic preceptor.
- h. Testing. A student must pass the cognitive knowledge and practical examinations as provided by the national registry and approved by the department in order to be eligible for licensure.
- i. Paramedic initial licensure. A person eighteen years of age or older that meets the physical requirements described in the functional job analysis for emergency medical technician as published by the national highway traffic safety administration and who has completed an authorized course and passed the testing process shall obtain certification from the national registry. Persons obtaining national registry certification and in compliance with chapter 50-03-03 will be licensed by the department expiring ninety days after their national registry expiration date.
- j. Relicensure of paramedic. A paramedic must be recertified by the national registry recertification policies and meet the physical requirements described in the functional job analysis for emergency medical technician as published by the national highway traffic safety administration. Persons recertified by the national registry and in compliance with chapter 50-03-03 will be relicensed by the department for a two-year period expiring ninety days after their national registry expiration date.

6. Advanced first aid ambulance attendant:

- a. Advanced first aid ambulance attendant initial certification. The department shall issue initial certification to persons currently certified in American national red cross advanced first aid and who demonstrate a minimum of two years experience with a North Dakota licensed ambulance service as evidenced by North Dakota ambulance service license application personnel rosters.
- b. Recertification of advanced first aid ambulance attendants. The department shall recertify for a three-year period, expiring on June thirtieth, those persons who meet the physical requirements described in the functional job analysis for emergency medical technician as published by the national highway traffic safety administration and have completed a twenty-four hour emergency medical technician-basic refresher course, which includes a cardiopulmonary resuscitation refresher, answering correctly at least seventy percent of the questions on a written examination specified by the department and passing a local practical examination meeting the department's requirements.

7. Emergency vehicle operations:

- a. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department.
- b. Course coordinator. The course coordinator must be certified by the department as an emergency vehicle operation instructor.
- c. Testing. The students must correctly answer at least seventy percent of the questions on a written examination and pass a practical examination specified by the department.
- d. Certification. The department shall issue a certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth must be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first must be certified until June thirtieth of the third year.

8. Emergency medical dispatch:

- a. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department.

- b. Course coordinator. The course coordinator must be approved by the department as an emergency medical dispatch instructor.
  - c. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by the department.
  - d. Certification. The department shall issue a certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth must be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first must be certified until June thirtieth of the third year.
9. Automobile extrication:
- a. Curriculum. The course curriculum must be approved by the department.
  - b. Course coordinator. The course coordinator must be certified by the department as an automobile extrication instructor.
  - c. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by the department.
  - d. Certification. The department shall issue a certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth must be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first must be certified until June thirtieth of the third year.

**History:** Effective April 1, 1992; amended effective August 1, 1994; August 1, 2003; January 1, 2006; January 1, 2008.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3

**33-36-01-03.1. Limited temporary certification or licensure of emergency medical services training course graduates.**

- 1. An individual that has graduated from a department-authorized emergency medical services training course as an emergency medical technician, emergency medical technician - intermediate, or paramedic and has submitted a completed application signed by a physician and an official transcript verifying program completion may be issued a limited certification or license one time. A limited temporary certification

or licensure allows the graduate to be employed while awaiting results of the graduate's national registry examination. The limited temporary certification or licensure expires ninety days after the date of issue.

2. The graduate must practice under the direct supervision of a person certified or licensed at an equal or greater level. Direct supervision means close physical and visual proximity. The graduate may not be the primary care provider.

**History:** Effective January 1, 2006; amended effective January 1, 2008.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3

**33-36-01-04. Training, testing, and certification standards for certification scope enhancement courses.** The department shall authorize the conduct of courses, the testing of students, and the certification or licensure of personnel when application has been made on forms provided prior to conducting the course and in the manner specified by the department contingent on the following requirements:

1. Manual defibrillation:
  - a. Student prerequisite certification. A student must be licensed as an emergency medical technician or its equivalent.
  - b. Curriculum. The course curriculum must be that issued by the department entitled "Manual Defibrillator/Monitor Curriculum".
  - c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently certified by the American heart association in advanced cardiac life support or its equivalent.
  - d. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by the department and pass all portions of a practical examination specified by the department. The practical examination must consist of the manual defibrillation of a simulated cardiac arrest patient and correctly identify eleven out of thirteen static cardiac strips.
  - e. Certification. The department shall issue a certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth shall be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first shall be certified until June thirtieth of the third year.

2. Intravenous therapy maintenance:
  - a. Student prerequisite certification. A student must be licensed as an emergency medical technician or its equivalent.
  - b. Curriculum. The course curriculum must be that issued by the department entitled "EMT IV Maintenance Module".
  - c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor, and currently certified in intravenous therapy maintenance, or its equivalent.
  - d. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by the department and pass all portions of a practical examination specified by the department. The practical examination must consist of performing intravenous maintenance skills on a mannequin.
  - e. Certification. The department shall issue a certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth shall be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first shall be certified until June thirtieth of the third year.
3. Automobile extrication instructor:
  - a. Curriculum. The course curriculum must be approved by the department.
  - b. Student prerequisite. The candidate for this course must be currently certified in automobile extrication with at least two years of certified automobile extrication experience.
  - c. Course coordinator. The department shall designate the course coordinator.
  - d. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by the department.
  - e. Initial certification. The department shall issue initial certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth shall be certified until June thirtieth of

the second year. Persons passing the testing process between July first and December thirty-first shall be certified until June thirtieth of the third year.

- f. Recertification. The department shall recertify for a two-year period those persons who have satisfactorily conducted an automobile extrication course or have audited eight hours of an automobile extrication instructor course before the expiration date of their certification.

4. Emergency medical services instructor:

- a. Student prerequisite. An individual must be at least eighteen years of age and certified or licensed for at least two years as a patient care provider at the level the individual will instruct at, in order to be licensed.
- b. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department or its equivalent.
- c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor.
- d. Initial licensure. The department shall issue initial licensure to persons who have completed an authorized course. Persons completing the course between January first and June thirtieth shall be licensed until June thirtieth of the second year. Persons completing the course between July first and December thirty-first shall be licensed until June thirtieth of the third year.
- e. Relicensure. The department shall relicense for a two-year period those persons who have:
  - (1) Completed the department's eight-hour relicensure course;
  - (2) Those persons that are employed or affiliated with a licensed training institution, may submit documentation of eight hours of adult education training to satisfy the relicensure requirements;
  - (3) Within the current two-year licensure period the instructor has had at least a seventy percent pass rate for the following primary certification courses; emergency medical technician, emergency medical technician - intermediate/85, emergency medical technician - intermediate/99, or paramedic; and

- (4) In addition, failure to achieve a seventy percent pass rate for these courses would require the instructor to retake the entire initial licensure process for emergency medical services instructor.

5. Epinephrine administration:

- a. Student prerequisite certification. A student must be certified as a first responder or its equivalent.
- b. Curriculum. The course curriculum must be that issued by the department entitled " Epinephrine Administration Module".
- c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently certified in epinephrine administration or its equivalent.
- d. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by the department and pass all portions of a practical examination specified by the department. The practical examination must consist of performing subcutaneous injection of epinephrine with the use of a preloaded, self-injecting device such as the epipen trainer.
- e. Certification. The department shall issue a certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth shall be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first shall be certified until June thirtieth of the third year.

6. Dextrose administration:

- a. Student prerequisite licensure. A student must be licensed as an emergency medical technician-intermediate or its equivalent.
- b. Curriculum. The course curriculum must be that issued by the department entitled "EMT-I – 50% Dextrose Administration Module".
- c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be licensed as a paramedic or its equivalent.

- d. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by the department and pass all portions of a practical examination specified by the department. The practical examination must consist of administration of the drug by aseptic injection into intravenous administration tubing.
  - e. Certification. The department shall issue a certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth shall be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first shall be certified until June thirtieth of the third year.
7. Bronchodilator/nebulizer administration:
- a. Student prerequisite licensure. A student must be licensed as an emergency medical technician or its equivalent.
  - b. Curriculum. The course curriculum must be the general pharmacology and the respiratory emergencies sections of the curriculum issued by the United States department of transportation, national highway traffic safety administration, for emergency medical technicians-basic, in the edition specified by the department, or its equivalent.
  - c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and be licensed as a paramedic or its equivalent.
  - d. Testing. The student must correctly answer at least seventy percent of the questions on a written examination and pass a practical examination specified by the department.
  - e. Certification. The department shall issue a certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth shall be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first shall be certified until June thirtieth of the third year.
8. Limited advanced airway insertion:
- a. Student prerequisite licensure. A student must be licensed as an emergency medical technician or its equivalent.



- b. Curriculum. The course curriculum must be that issued by the department entitled "Limited Advanced Airway Module".
  - c. Course coordinator. The course coordinator must be licensed as an emergency medical services instructor and must be currently licensed as a paramedic or its equivalent.
  - d. Testing. The student must correctly answer at least seventy percent of the questions on a written examination and pass a practical examination specified by the department.
  - e. Certification. The department shall issue a certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth shall be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first shall be certified until June thirtieth of the third year.
9. Emergency vehicle operations instructor:
- a. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department.
  - b. Course instructor. The department shall designate the course instructor.
  - c. Testing. The students must correctly answer at least seventy percent of the questions on a written examination and pass a practical examination specified by the department.
  - d. Initial certification. The department shall issue initial certification to persons who have completed an authorized course and passed the testing process. Persons passing the testing process between January first and June thirtieth shall be certified until June thirtieth of the second year. Persons passing the testing process between July first and December thirty-first shall be certified until June thirtieth of the third year.
  - e. Recertification. The department shall recertify for a two-year period those persons who have satisfactorily conducted an emergency

vehicle operations course or have audited eight hours of an emergency vehicle operator's course.

**History:** Effective April 1, 1992; amended effective October 1, 1992; August 1, 1994; August 1, 2003; August 1, 2004; January 1, 2006; January 1, 2008.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3

**33-36-01-04.1. Training, testing, and certification standards for certification refresher courses.** The department shall authorize the conduct of courses, the testing of students, and the certification of personnel when application has been made on forms requested from and provided by the department prior to conducting the course and in the manner specified by the department contingent on the following requirements:

1. First responder refresher:

- a. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department.
- b. Textbooks. The department shall approve textbooks.
- c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently certified as a first responder or its equivalent.
- d. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by the department and pass all stations of a practical examination conducted by the course coordinator. The practical examination must consist of no less than one medical, one cardiopulmonary resuscitation, and one trauma station.

2. Emergency medical technician refresher:

- a. Curriculum. The course curriculum must be that issued by the United States department of transportation, national highway traffic safety administration, in the edition specified by the department.
- b. Textbooks. The department shall approve textbooks.
- c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently licensed as an emergency medical technician or its equivalent.
- d. Testing. The student must correctly answer at least seventy percent of the questions on a written examination specified by

the department and pass all stations of a practical examination conducted by the course coordinator.

3. Emergency medical technician-intermediate/85 refresher:
  - a. Curriculum. The course coordinator shall select topics consistent with the reregistration requirements of the national registry.
  - b. Textbooks. The department shall approve textbooks.
  - c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently licensed as an emergency medical technician-intermediate/85 or its equivalent.
4. Emergency medical technician-intermediate/99 refresher:
  - a. Curriculum. The course coordinator shall select topics consistent with the reregistration requirements of the national registry.
  - b. Textbooks. The department shall approve textbooks.
  - c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently licensed as an emergency medical technician-intermediate/99 or its equivalent.
5. Paramedic refresher:
  - a. Curriculum. The course curriculum must be consistent with the reregistration requirements of the national registry.
  - b. Textbooks. The department shall approve textbooks.
  - c. Course coordinator. The course coordinator must be licensed by the department as an emergency medical services instructor and must be currently licensed as a paramedic or its equivalent.

**History:** Effective August 1, 2003; amended effective January 1, 2006; January 1, 2008.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3

**33-36-01-05. Denial or revocation of certification or licensure.** The department may deny or revoke the certification or licensure of a person who:

1. Has misrepresented to others that the person is a physician, nurse, or health care provider other than the highest level for which they are certified or licensed.
2. Is incapable of properly performing the skills for which the individual has been certified or licensed.
3. Performs a skill which exceeds those allowed by the individual's level of certification or licensure.
4. Has been charged or convicted of a felony which has a direct bearing upon the person's ability to serve the public in a capacity certified or licensed by this chapter. Persons certified or licensed who have been charged or convicted of a felony must report the information to the department.
5. Has been found by a court of law to be mentally incompetent.
6. Failure to follow examination policies as a student, instructor, or course coordinator.
7. Diversion of drugs for personal or unauthorized use.
8. Performance of care in a manner inconsistent with acceptable standards or protocols.
9. Has attempted to obtain by fraud or deceit a certification or license or has submitted to the department any information that is fraudulent, deceitful, or false.
10. Has had the person's national registry or other health care certification or license encumbered for any reason. Persons certified or licensed as described in this chapter must report any encumbrance of their national registry or other health care certification or licensure to the department.
11. Has misrepresented to others that the person is an employee, volunteer, or agent of an ambulance service, quick response unit, or rescue squad to offer emergency medical services.
12. Unprofessional conduct, which may give a negative impression of the emergency medical services system to the public, as determined by the department.
13. As an instructor has failed to have emergency medical services training authorized as required in section 33-36-01-03, 33-36-01-04, or 33-36-01-04.1.

14. Providing emergency medical services without authorization from a physician.

**History:** Effective April 1, 1992; amended effective August 1, 2003; January 1, 2006; January 1, 2008.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3

**33-36-01-05.1. Criminal history background checks.** The department may perform criminal history background checks on any applicant requesting a certification or license or a person requesting to be listed on an ambulance service or quick response unit's roster as a driver. A driver may be denied participation in any emergency medical services operation based on the driver's criminal background history or any occurrence listed in section 33-36-01-05.

**History:** Effective January 1, 2008.

**General Authority:** NDCC 12-60-24.2, 23-27-04.3

**Law Implemented:** NDCC 12-60-24.2, 23-27-04.3

**33-36-01-06. Revocation process.** The department may revoke an individual's certification or license after making a diligent effort to:

1. Inform the individual by the department of the allegations.
2. Inform the individual of the department's investigation results.
3. Inform the individual of the department's intent to revoke and provide a notice of right to request hearing.
4. Provide the individual opportunity to request a hearing and rebut the allegations.

**History:** Effective April 1, 1992; amended effective August 1, 2003; January 1, 2006.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3

**33-36-01-07. Hearing.** A request for hearing must be received by the department no later than twenty days following the individual's receipt of the allegations against the individual. If a hearing is requested, the department will apply to the office of administrative hearings for appointment of a hearing officer. The department will notify any complainants and the accused of the date set for the hearing. The hearing officer will conduct the hearing and prepare recommended findings of fact and conclusions of law as well as a recommended order for the department. The department shall notify the individual of its findings

in writing after receiving the attorney general's finding of fact, conclusion of law, and recommended order.

**History:** Effective April 1, 1992.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3

**33-36-01-08. Waivers.** Based on each individual case, the department may waive any provisions of this chapter that may result in unreasonable hardship upon the individual or the individual's emergency medical service agency, provided such a waiver does not adversely affect the health and safety of patients. The department will consider waivers for the following situations and conditions:

1. A person had completed all the requirements for recertification or relicensure and a good-faith effort was made by that person to recertify with the national registry and by no fault of the person recertification was not granted.
2. A person who was current in the person's certification or license was called to active duty in the United States armed forces and deployed to an area without the resources to maintain the person's certification or license resulting in a lapse of the person's certification or license.
3. A waiver may be granted for a specific period of time not to exceed one year and shall expire on June thirtieth of each year.

**History:** Effective January 1, 2006.

**General Authority:** NDCC 23-27-04.3

**Law Implemented:** NDCC 23-27-04.3